

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 1, 2012

HOUSE FILE 2400

H-8072

1 Amend House File 2400 as follows:

2 1. Page 6, line 6, after <grounds.> by inserting
3 <The commissioner shall only schedule such training
4 courses at buildings or grounds that are accessible to
5 and functional for persons with disabilities.>

6 2. By striking page 7, line 33, through page 8,
7 line 8, and inserting <shall not be counted. The
8 commissioner shall post notice of petitions received,
9 including the location of the requested satellite
10 absentee voting station and the name or number of
11 the precinct in which the station is requested to be
12 located, on the county's internet site and at the
13 commissioner's office.>

By HUNTER of Polk

H-8072 FILED FEBRUARY 29, 2012

HOUSE FILE 2316

H-8073

1 Amend House File 2316 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 904A.1, Code 2011, is amended
4 to read as follows:

5 904A.1 Board of parole ---- divisions.

6 1. The board of parole is created to consist of
7 ~~five~~ six members. Each member, except the chairperson
8 and the vice chairperson, shall be compensated on a
9 day-to-day basis. Each member shall serve a term of
10 four years beginning and ending as provided by section
11 69.19, except for members appointed to fill vacancies
12 who shall serve for the balance of the unexpired term.
13 The terms shall be staggered. The chairperson and vice
14 chairperson of the board shall be full-time, salaried
15 members of the board.

16 2. The board of parole may be divided into
17 divisions of three, five, or six members for the
18 purpose of considering inmates for parole and work
19 release. The board shall prescribe rules to provide
20 for the submission of cases to the entire board or to
21 the separate divisions. A majority of the members of
22 the board or of a division of the board constitutes a
23 quorum to transact business.

24 Sec. _____. Section 904A.4, subsection 1, Code 2011,
25 is amended to read as follows:

26 1. The board of parole shall interview and consider
27 inmates for parole and work release and a simple
28 majority vote of the members of the board or of a
29 division of the board is required to grant a parole or
30 work release.

31 Sec. _____. Section 904A.4B, Code 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 3. The executive director or
34 acting executive director shall be a licensed attorney
35 admitted to practice law in this state beginning July
36 1, 2012.

37 Sec. _____. Section 904A.6, Code 2011, is amended to
38 read as follows:

39 904A.6 Salaries and expenses.

40 Each member, except the chairperson ~~and the vice~~
41 ~~chairperson~~, of the board shall be paid per diem as
42 determined by the general assembly. The chairperson
43 ~~and vice chairperson~~ of the board shall be paid a
44 salary as determined by the general assembly. Each
45 member of the board and all employees are entitled to
46 receive, in addition to their per diem or salary, their
47 necessary maintenance and travel expenses while engaged
48 in official business.>

49 2. Page 1, by striking lines 32 and 33 and
50 inserting:

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Page 2

1 <Sec. _____. EFFECTIVE DATE. The following provision
2 or provisions of this Act take effect upon enactment:

3 1. The section of this Act amending section 907.3.

4 2. The section of this Act establishing the waiver
5 of rights under Anderson v. State.>

6 3. Title page, line 2, after <probation,> by
7 inserting <and establishing operational policies and
8 procedures for the board of parole,>

By R. OLSON of Polk

H-8073 FILED FEBRUARY 29, 2012

HOUSE FILE 2361

H-8075

1 Amend [House File 2361](#) as follows:

2 1. Page 3, after line 20 by inserting:

3 <0g. A governing board for a publicly owned zoo,
4 library, community center, or park, or for a health
5 care facility that receives reimbursement under the
6 medical assistance program from adopting and enforcing
7 rules regulating or prohibiting persons from carrying
8 or possessing firearms, firearm accessories, or
9 ammunition in the buildings or on the grounds of such
10 zoo, library, community center, park, or health care
11 facility.>

12 2. By renumbering as necessary.

By KRESSIG of Black Hawk

H-8075 FILED FEBRUARY 29, 2012

HOUSE FILE 2391

H-8074

1 Amend House File 2391 as follows:

2 1. Page 1, after line 25 by inserting:

3 <Sec. _____. Section 904A.1, Code 2011, is amended to
4 read as follows:

5 904A.1 Board of parole ---- divisions.

6 1. The board of parole is created to consist of
7 ~~five~~ six members. Each member, except the chairperson
8 and the vice chairperson, shall be compensated on a
9 day-to-day basis. Each member shall serve a term of
10 four years beginning and ending as provided by section
11 69.19, except for members appointed to fill vacancies
12 who shall serve for the balance of the unexpired term.
13 The terms shall be staggered. The chairperson and vice
14 chairperson of the board shall be full-time, salaried
15 members of the board.

16 2. The board of parole may be divided into
17 divisions of three, five, or six members for the
18 purpose of considering inmates for parole and work
19 release. The board shall prescribe rules to provide
20 for the submission of cases to the entire board or to
21 the separate divisions. A majority of the members of
22 the board or of a division of the board constitutes a
23 quorum to transact business.

24 Sec. _____. Section 904A.4, subsection 1, Code 2011,
25 is amended to read as follows:

26 1. The board of parole shall interview and consider
27 inmates for parole and work release and a simple
28 majority vote of the members of the board or of a
29 division of the board is required to grant a parole or
30 work release.

31 Sec. _____. Section 904A.4B, Code 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 3. Beginning July 1, 2012, the
34 executive director or acting executive director shall
35 be a licensed attorney admitted to practice law in this
36 state.

37 Sec. _____. Section 904A.6, Code 2011, is amended to
38 read as follows:

39 904A.6 Salaries and expenses.

40 Each member, except the chairperson ~~and the vice~~
41 ~~chairperson~~, of the board shall be paid per diem as
42 determined by the general assembly. The chairperson
43 ~~and vice chairperson~~ of the board shall be paid a
44 salary as determined by the general assembly. Each
45 member of the board and all employees are entitled to
46 receive, in addition to their per diem or salary, their
47 necessary maintenance and travel expenses while engaged
48 in official business.>

49 2. Page 3, by striking lines 1 and 2 and inserting:

50 <Sec. _____. EFFECTIVE DATE. The following

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1 provisions of this Act take effect January 1, 2013:

2 1. The section of this Act enacting section
3 217.13A.

4 2. The section of this Act enacting section
5 906.20.>

6 3. Title page, line 1, after <Act> by inserting
7 <relating to parole and the board of parole, including
8 by>

9 4. Title page, line 2, after <corrections> by
10 inserting <and modifying the qualifications for and
11 operations of the board>

12 5. By renumbering as necessary.

By R. OLSON of Polk

Fiscal Note

Fiscal Services Division



HF 2350 – Methamphetamine Precursors (LSB 5902HV)

Analyst: Jennifer Acton (Phone: 515-281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 2350 relates to the possession of ammonium sulfate, ammonium nitrate, or sodium hydroxide with the intent to manufacture a controlled substance. This is a Class “D” felony.

Background

Correctional and Fiscal Information

1. A Class “D” felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.
2. One-pot methamphetamine lab incidents have increased since 2008. The Division of Narcotics Enforcement did not start tracking one-pot meth labs separately until 2010. Ammonium sulfate, ammonium nitrate (used in fertilizer or some instant cold packs), and sodium hydroxide (lye and some drain openers) along with hydrogen peroxide, camping fuel or starter fuel, lithium metal, and pseudoephedrine are combined to manufacture meth in a form called one-pot meth. The following lists the number of one-pot meth labs seized per year:
 - 2008 – 0
 - 2009 – 1
 - 2010 – 56
 - 2011 - 109
3. According to the Office of Drug Control Policy, in FY 2010, there were 305 meth lab incident responses and 56 (18.4%) were one-pot meth labs. In FY 2011, there were 412 meth lab incident responses and 109 (26.5%) were one-pot meth labs.
4. According to the Justice Data Warehouse, in FY 2011, there were 693 people charged with possession of meth precursors and 324 (46.8%) were convicted as charged and 49 (7.1%) were convicted of another charge.
5. The average length of stay in prison for Class “D” nonperson felonies is 14.5 months. The average length of stay on parole upon release from prison is 13.7 months. The average length of stay in prison for aggravated misdemeanants convicted of an aggravated misdemeanor nonperson crime is 7.7 months. The average length of stay on parole upon release from prison is 5.3 months. The marginal cost per day is \$15.59 for prison. The average cost per day for parole is \$3.49.
6. The average length of stay on probation for Class “D” felons is 30.8 months. The average length of stay on probation for aggravated misdemeanants is 18.1 months. The average cost per day for probation is \$3.49.

7. The average length of stay for offenders sentenced to a Community-based Corrections (CBC) facility is 5.6 months with an average daily cost of \$11.50 (local income is 93.9% of this cost). Generally, these offenders are released to probation supervision.
8. The current waiting list for CBC residential facilities is approximately 800 offenders. This number includes offenders waiting in the State prison system, parole, probation, county jails, or the federal prison system.
9. The State prison population consisted of 8,459 offenders on February 21, 2012. This is 117.3% of capacity.
10. The cost for indigent defense for an aggravated misdemeanor or a Class "D" felony case is \$1,200.
11. The average cost per case for the Judicial Branch for an aggravated misdemeanor is \$205 for a bench trial. The average cost for a Class "D" felony is \$417 for a bench trial.

Minority Data Information

According to the Justice Data Warehouse, in FY 2011, 1.3% of Blacks and no Hispanics were convicted of meth precursor offenses under Iowa Code section [124.401](#)(4).

Assumptions

Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system (to allow court processing time.)
4. For purposes of the analysis, it is assumed that one individual per incident would be charged with the Class "D" felony, and it is assumed dismissal/acquittal rates and conviction rates will be consistent with Iowa Code section [124.401](#)(4) charges and dispositions for FY 2011.
5. For purposes of the analysis, it is assumed that possessing precursors, although separate cases, is as common as the one-pot lab incidents.
6. Half of the offenders convicted are indigent.
7. These will be bench trials.
8. Marginal costs for county jails cannot be determined due to lack of data. For the purposes of this analysis, the marginal cost for county jails is \$15.00 per day.

Minority Data Information

1. The impact on minorities will remain consistent with FY 2011 convictions.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

There will be an estimated 51 offenders annually convicted of a Class "D" felony under this Bill. On an annual basis, these offenders will be sentenced as follows: 12 to State prison, six admitted to a CBC residential facility, and 39 to probation supervision. There will be eight offenders annually convicted of an aggravated misdemeanor under this Bill. On an annual basis, these offenders will be sentenced as follows: one to State prison, five to probation supervision, and four to county jail.

There will be seven offenders admitted to prison in FY 2013, and 13 annually thereafter. The prison population will increase by seven offenders in FY 2013, and 16 offenders annually thereafter. The population increases by more than the number of admissions because the average length of stay in prison generally exceeds one year.

There will be three offenders admitted to a CBC residential facility in FY 2013, and six annually thereafter. The offenders will be released to probation upon successful completion of the residential program. Note there are currently offenders waiting to enter CBC residential facilities.

There will be 22 offenders admitted to probation supervision in FY 2013, 48 in FY 2014, and 57 in FY 2015 and thereafter. The population increases by more than the number of admissions because the average length of stay on probation supervision generally exceeds one year.

There will be two offenders sentenced to county jails in FY 2013 and four offenders annually thereafter. The average length of stay is 31 days so the county jail populations are not anticipated to significantly increase.

Minority Impact

The minority impact is anticipated to be minimal.

Fiscal Impact

The fiscal impact is estimated as follows:

State General Fund Fiscal Impact

| | <u>FY 2013</u> | <u>FY 2014</u> |
|------------------|-------------------------|-------------------------|
| Court System | \$ 11,200 | \$ 23,000 |
| Indigent Defense | 16,800 | 34,800 |
| Prison | 37,000 | 76,800 |
| CBC | 28,700 | 106,000 |
| Total | <u>\$ 93,700</u> | <u>\$240,600</u> |

The impact on the county budgets is anticipated to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of Drug Control Policy
Department of Corrections
Office of the State Public Defender
Judicial Branch
Department of Public Safety

/s/ Holly M. Lyons

February 29, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to **Iowa Code Section 2.56**. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2363 – Unemployment Insurance Overpayments, Federal Conformity (LSB 5187HV)
Analyst: Kenneth Ohms (Phone: 515-725-2200) (kenneth.ohms@legis.state.ia.us)
Fiscal Note Version – New

Description

[House File 2363](#) does the following:

- Prohibits Iowa Workforce Development (IWD) from relieving an employer of charges against the employer's account for an overpayment of unemployment compensation benefits if the overpayment occurred because an employer, or an agent of the employer, failed to respond timely or adequately to the IWD's request for information relating the payment of benefits.
- Removes the prohibition against charging an employer's account for an overpayment of unemployment compensation benefits when the overpayment is not recovered from the claimant because the employer did not participate in an initial determination to award benefits and the overpayments occurred because of a subsequent reversal on appeal regarding the issue of the claimant's separation from employment.
- Establishes a penalty of 15.0% of the amount of the overpayment for individuals that receive unemployment compensation benefits through fraud.

Background

[The Trade Adjustment Assistance Extensions Act of 2011](#) required states to assess a penalty of no less than 15.0% of the amount overpaid on benefits determined to be obtained through fraud. The Act also prohibited states from relieving an employer of benefit charges if the employer, or agent, caused an inappropriate payment.

Assumptions

- The IWD will incur an annual expense of 0.5 FTE Fraud Investigator at \$28,500.
- Fraud overpayments in calendar year 2008 were \$3.9 million. Calendar years 2009-2011 were not used because these years accounted for the three highest benefit payouts in the history of Iowa's Unemployment Compensation Trust Fund.
- Revenues generated from penalties assessed will be deposited in the Unemployment Compensation Trust Fund.

Fiscal Impact

No General Fund impact.

The Unemployment Compensation Trust Fund will be unaffected by the benefit charges levied against employers for an overpayment of unemployment compensation benefits due to that employer or agent's failure to respond timely or adequately to the IWD's information requests. These costs are currently generalized and spread across all employers and will now be charged specifically to the employer responsible.

The resulting penalty assessment on fraud overpayments will generate an estimated \$587,000 in revenue for the Trust Fund. This revenue could decrease over time as the penalty acts as a deterrent to individuals committing fraud in order to receive benefit payments.

The cost associated with the Fraud Investigator would be paid from the Unemployment Insurance Administration State Grant.

This legislation is necessary to conform to federal law and to maintain a State-certified unemployment compensation program. If this legislation is not enacted, it will result in Iowa losing State certification and will result in the loss of the current 5.4% federal tax credit for Iowa businesses. The loss of the tax credit will result in Iowa businesses paying an additional \$378 per employee for a total increase of \$500.0 million annually in federal unemployment taxes.

Source

Iowa Workforce Development
U.S. Department of Labor

February 29, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
